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7  
8 **BEFORE THE**  
**BOARD OF PHARMACY**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 4259

11 **TAMARA MAE KAEFER**  
12 **336 McCabe Drive**  
13 **Greensburg, PA 15301**

**A C C U S A T I O N**

14 **Pharmacy Technician License No. TCH**  
15 **5111**

Respondent.

16  
17 Complainant alleges:

18 **PARTIES**

19 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity  
20 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

21 2. On or about March 2, 1993, the Board of Pharmacy issued Pharmacy Technician  
22 License Number TCH 5111 to Tamara Mae Kaefer (Respondent). The Pharmacy Technician  
23 License was in full force and effect at all times relevant to the charges brought herein and will  
24 expire on August 31, 2012, unless renewed.

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4. Section 4300 of the Code states:

"(b) The board shall discipline the holder of any license issued by the board, whose default has been entered or whose case has been heard by the board and found guilty, by any of the following methods:

"(2) Placing him or her upon probation.

"(4) Revoking his or her license.

• • • •

5. Section 118, subdivision (b), of the Code provides that the suspension, expiration, annulment, or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

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1       "(c) Any other drug or device that by federal or state law can be lawfully dispensed only on  
2       prescription or furnished pursuant to Section 4006."

3       9.     Section 4059(a) of the Code provides, in pertinent part:

4       "A person may not furnish any dangerous drug, except upon the prescription of a physician,  
5       dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to  
6       Section 3640.7. . . ."

7       10.    Section 4060 of the Code states:

8       "No person shall possess any controlled substance, except that furnished to a person upon  
9       the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor  
10      pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified  
11      nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, or a  
12      physician assistant pursuant to Section 3502.1, or naturopathic doctor pursuant to Section 3640.5,  
13      or a pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of  
14      subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052. This section shall not  
15      apply to the possession of any controlled substance by a manufacturer, wholesaler, pharmacy,  
16      pharmacist, physician, podiatrist, dentist, optometrist, veterinarian, naturopathic doctor, certified  
17      nurse-midwife, nurse practitioner, or physician assistant, when in stock in containers correctly  
18      labeled with the name and address of the supplier or producer.

19      "Nothing in this section authorizes a certified nurse-midwife, a nurse practitioner, a  
20      physician assistant, or a naturopathic doctor, to order his or her own stock of dangerous drugs and  
21      devices."

22      11.    Section 4324 of the Code states:

23      "(a) Every person who signs the name of another, or of a fictitious person, or falsely makes,  
24      alters, forges, utters, publishes, passes, or attempts to pass, as genuine, any prescription for any  
25      drugs is guilty of forgery and upon conviction thereof shall be punished by imprisonment in the  
26      state prison, or by imprisonment in the county jail for not more than one year.

27      . . . ."

12. California Health and Safety Code § 11170 states: "No person shall prescribe, administer, or furnish a controlled substance for himself."

### **COSTS**

13. Section 125.3 of the Code states, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

### **DRUGS**

14. Norco and Vicodin are among the brand names for compounds of varying dosages of acetaminophen (aka APAP) and hydrocodone, are Schedule III controlled substances as designated by Health and Safety Code section 11056(e)(4), and are dangerous drug as designated by Business and Professions Code section 4022. The varying compounds are also known generically as Hydrocodone with APAP. These are all narcotic drugs.

### **BACKGROUND**

15. During 2010, Respondent worked as a pharmacy technician at Safeway Pharmacy. Over the course of her employment, she obtained a pharmacist's passcode and used it to falsify at least 50-100 prescriptions for controlled substances, including some for Vicodin and Norco, which she filled and charged to patients' insurance companies. She provided some of these prescription medications to another individual so that he could sell them.

### **FIRST CAUSE FOR DISCIPLINE**

#### **(Act of Deceit or Corruption)**

16. Respondent is subject to disciplinary action under section 4301(f) of the Code in that Respondent committed an act involving moral turpitude, dishonesty, fraud, deceit, or corruption.

### **SECOND CAUSE FOR DISCIPLINE**

#### **(Self-Prescribing)**

17. Respondent is subject to disciplinary action under section 4301(j) of the Code in that Respondent violated section 11170 of the California Health and Safety Code. The circumstances are that Respondent prescribed and furnished a controlled substance to herself.

1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Illegal Furnishing of Controlled Substances)**

3 18. Respondent is subject to disciplinary action under sections 4301(j) and (o) of the  
4 Code in that Respondent violated section 4059(a) of the Code. The circumstances are that  
5 Respondent furnished a dangerous drug to another individual without a physician's prescription.

6 **FOURTH CAUSE FOR DISCIPLINE**

7 **(Illegal Possession of Controlled Substances)**

8 19. Respondent is subject to disciplinary action under sections 4301(j) and (o) of the  
9 Code in that Respondent violated section 4060 of the Code. The circumstances are that  
10 Respondent possessed a controlled substance without a physician's prescription.

11 **FIFTH CAUSE FOR DISCIPLINE**

12 **(Forgery)**

13 20. Respondent is subject to disciplinary action under section 4301(j) and (o) of the Code  
14 in that Respondent violated section 4324 of the Code. The circumstances are that Respondent  
15 falsely passed as genuine various prescriptions.

16 **PRAYER**

17 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
18 and that following the hearing, the Board of Pharmacy issue a decision:

19 1. Revoking or suspending Pharmacy Technician License Number TCH 5111, issued to  
20 Tamara Mae Kaefer;

21 2. Ordering Tamara Mae Kaefer to pay the Board of Pharmacy the reasonable costs of  
22 the investigation and enforcement of this case, pursuant to Business and Professions Code section  
23 125.3;

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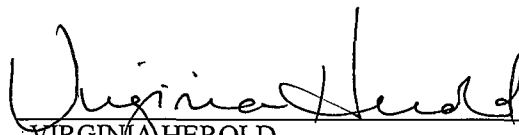
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3. Taking such other and further action as deemed necessary and proper.

DATED: \_\_\_\_\_

6/1/12



VIRGINIA HEROLD

Executive Officer

Board of Pharmacy

Department of Consumer Affairs

State of California

*Complainant*

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